

REMARKS

Claims 1, 3, 5-9, 15-19, 22-24, 37-41, and 43 are pending in this application. Non-elected claims 5-7 and 22-24 are withdrawn from consideration by the Examiner. By this Amendment, claims 5-9 and 22-24 are amended and claims 10-13, 20, 25-28, and 42 are canceled. Support for the amendments to the claims may be found, for example, in the specification at page 7, lines 19-21, and in the claims as originally filed. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Telephone Interview

The courtesies extended to Applicants' representative by Examiners Polansky and Marschel during the interview held November 3, 2009, are appreciated. The reasons presented during the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

II. Allowed Claims

Applicants appreciate the indication that claims 1, 3, 15-19, 37-39, and 43 are allowed. For at least the reasons discussed below, Applicants respectfully submit that claims 5-9, 22-24, 40, and 41 are also allowable for the reasons discussed during the interview.

III. Claim Objection

The Office Action objects to claims 20, 28, and 42 as being substantial duplicates of claims 1, 15, and 38, respectively. By this Amendment, claims 20, 28, and 42 are canceled, rendering the objection moot. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

IV. Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 8 and 40 under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully traverse the rejection.

By this Amendment, claim 8 is amended to be directed to "[a] method for treating or reducing the risk of developing obesity" (emphasis added). As discussed and agreed upon during the interview, amended claim 8 overcomes the rejection.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

V. Rejection Under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 9 and 41 under 35 U.S.C. §112, first paragraph, as not being enabled for their full scope. Applicants respectfully traverse the rejection.

By this Amendment, claim 9 is amended to be directed to "[a] method of treatment for reducing or reducing the risk of gaining body fat." As discussed and agreed upon during the interview, amended claim 9 overcomes the rejection.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

VI. Rejoinder

By this Amendment, non-elected claims 5-7 and 22-24 have been amended as discussed during the interview. Accordingly, Applicants respectfully request rejoinder, examination, and allowance of claims 5-7 and 22-24.

VII. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of this application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Matthew C. Barthalow
Registration No. 60,323

WPB:MCB

Date: November 4, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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